IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 527 OF 2006

IN

SECOND APPEAL NO. 236 OF 2002

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. R. C. Shah for the Applicant.

Mr. Narayan Sahu i/by S.K.Srivastava & Co., for the Respondent.

CORAM: S.B.DESHMUKH, J.

DATE : 21ST AUGUST,2006

P.C.:

Heard learned Counsel for the respective parties.

2. Perused the order passed by this Court in Second Appeal No. 236 of 2002. Learned Counsel for the respondent, has handed over pay order for the amount of Rs.54,485/- to the learned Counsel for the applicant in this civil application. The said pay order, is in the name of the present applicant. Learned Counsel, appearing

for the applicant, acknowledges the receipt of the said pay order for the amount of Rs.54,485/-.

3. The learned Counsel for the respondent, fairly admits that the respondent shall comply with the payment of interest, as ordered by this Court (D. G. Deshpande, J.) in the order passed on 8th September, 2005 in Second Appeal No.236 of 2002. Such payment of interest shall be worked out and made by the respondent herein to the applicant herein within a period of two weeks from today.

4. Having considered the reply affidavit filed on behalf of the respondent, the default, on the part of the respondent, stands condoned with the condition that the respondent shall henceforth, make payment of amount of compensation as ordered by this Court in Second Appeal No.236 of 2002 and more specifically in the order passed on 8th September, 2005. In case of any default, on the part of

the respondent, the protection granted by this Court earlier, shall stand vacated.

5. Needless to mention that the present applicant, in that eventuality, shall execute the decree and recover possession of the property.

6. Civil application, accordingly, is party allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)